

REMARKS

This response is submitted in reply to the Office Action dated February 22, 2007.
Claims 7-10 currently stand rejected. Applicants respectfully traverse.

In light of the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present invention.

Claim Rejections - 35 USC §103

Claims 7-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beerman, Jr. et al. (U.S. Patent No. 6,084,952, hereinafter "Beerman") in view of Parry (U.S. Patent No. 7,002,703).

Independent claim 10 recites, *inter alia*, a processor being configured to use an identity tag to obtain address information via a network and authorize the downloading of information via the network to a remote server or terminal identified by the address information associated with the identity tag, in response to receipt of the identity tag.

Beerman is directed to a system for connecting a remote device to a server via a telephone. The Office Action alleges that the disclosure of Beerman related to establishing a connection from the remote device to the server to send emails to other devices corresponds to the above recited feature of the present application. In this regard, the Office Action cites col. 12, lines 42-45 and col. 13, lines 1-7 of Beerman as disclosing the above recited feature with the exception of downloading information, which the Office Action asserts is disclosed by Parry.

The Office Action cites Beerman as disclosing an identity tag indicative of the portable communication device at col. 9, lines 25-31, in which an authentication of a remote device (12) is described as being performed based on remote device identification information transmitted by the remote device (12). However, even if this disclosure of Beerman were assumed to correspond to the identity tag of the claimed invention, Beerman fails to teach or suggest the use of such an identity tag for obtaining address information via a network and authorizing the downloading of information via the network to a remote server or terminal identified by the address information associated with the identity tag, in response to receipt of the identity tag as provided in independent claim 10.

The cited passages of Beerman describe creation of a communication session between a messaging server (18) and a remote device (12) (col. 12, lines 42-45). Col. 13, lines 1-7 then describe a process whereby the messaging server (18) determines whether there are outbound facsimile or email messages to be sent to recipients as indicated by the "addressee" field of the messages. Accordingly, in Beerman, there is no disclosure of the use of an identity tag (i.e., use of the remote device identification information of col. 9, lines 25-31 of Beerman) for obtaining address information for a terminal to which information should be downloaded. Rather, the address information for devices to which information is to be sent according to Beerman is located in the addressee field of each message and the addressee field associated with an email and/or a facsimile as described in Beerman is not disclosed as being obtained via the network as provided in independent claim 10. Rather, an address populating the addressee field of Beerman is provided by the remote device itself. Furthermore, the addressee field is not disclosed as being associated in any way with the identity tag as provided in independent claim 10. In fact, it wouldn't make sense for the addressee field to be associated with the identity tag, since in the context of an email or fax as described in Beerman, this would imply that the user of the remote device (12) would be emailing or faxing himself or herself. Moreover, Beerman fails to teach or suggest that the addressee field is populated and the message is communicated to a remote server or terminal **in response to receipt of the identity tag** as provided in independent claim 10.

Applicants also respectfully note that an identity tag according to the claimed invention is "indicative of the identity of the portable radio communication device". In a previous response, Applicants pressed the point that an email is not indicative of the identity of any particular device and therefore an email address cannot correspond to an identity tag of the claimed invention. In this regard, an individual addressee of an email can, via the same email address, receive the email at any of a number of different devices since the email address is indicative of an individual account and not a particular device. The same is true of a facsimile. There is no identity tag indicative of the portable radio communication device associated with a facsimile recipient or sender either, since any of a plurality of devices having corresponding fax capabilities could generically be used to send or receive a fax. Thus, even if one were to consider the "To" or "addressee" field identifying the addressee of an email or fax as being an

identity tag used to obtain address information via the network, such a consideration would foreclose the possibility of the identity tag reading on the claimed invention since the identity tag would not be indicative of the device transmitting the identity tag. Thus, regardless of which element of the disclosure of Beerman is read to correspond to the claimed identity tag, Beerman still fails to teach or suggest a processor being configured to use an identity tag to obtain address information via a network and authorize the downloading of information via the network to a remote server or terminal identified by the address information associated with the identity tag, in response to receipt of the identity tag as provided by independent claim 10.

Parry is directed to devices that control the downloading of information via email messages (col. 9, line 15). As pointed out in Applicants' prior response, Parry also fails to teach or suggest a processor being configured to use an identity tag to obtain address information via a network and authorize the downloading of information via the network to a remote server or terminal identified by the address information associated with the identity tag, in response to receipt of the identity tag as provided in independent claim 10. The Office Action currently only cites Parry for the limited aspect of downloading information. However, even assuming Parry discloses this limited aspect, Parry is not sufficient to cure the above stated deficiencies of Beerman as pointed out in Applicants' prior response.

Since Beerman and Parry each fail to teach or suggest a processor being configured to use an identity tag to obtain address information via a network and authorize the downloading of information via the network to a remote server or terminal identified by the address information associated with the identity tag, in response to receipt of the identity tag as provided in independent claim 10, any combination of the cited references likewise fails to render independent claim 10 obvious for at least the same reasons described above. Independent claims 7 and 8 include similar recitations to the above recited feature of independent claim 10 and are therefore patentable for at least the same reasons given above for independent claim 10. Dependent claim 9 depends directly from independent claim 8 and therefore includes all the recitations of independent claim 8. Thus, dependent claim 9 is patentable for at least those reasons given above for independent claim 8. Therefore, Applicants respectfully submit that the rejections of claims 7-10 are overcome.

Appl. No.: 09/920,888
Response Dated 05/18/2007
Reply to Office Action of 02/22/2007

CONCLUSION

In view of the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Chad L. Thorson
Registration No. 55,675

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES
PATENT & TRADEMARK OFFICE ON MAY 18, 2007.**
LEGAL02/30371302v1